

**PB# 79-2**

**Dunkin Donuts**

Dunkin Doughnuts

79-2

6 L 61 6 have provided part

## 4007

RECEIVED OF Steve Prekas May 10 19 19  
One hundred and 00/100 \$ 100.00  
 DOLLARS

FOR Winkin Knox Site Plan #79-2

**DISTRIBUTION:**

FUND	CODE	AMOUNT
100.00		
CK		

BY

Pauline C. Townsend cm

Town Clerk

**TITLE**



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
(914) 565-8550

RECEIVED  
MAR 28 1979

NEW WINDSOR PLANNING BOARD

March 27, 1979

McGoey, Hauser & Grevas  
Consulting Engineers  
194 Route 9W  
New Windsor, N.Y. 12550

Attn: Elias D. Grevas, L. S.

RE: APPLICATION FOR VARIANCES - PREKAS/MARSHALL  
(DUNKIN DONUTS) - #79-6

Dear Lou:

This is to confirm that the above application was granted at a public hearing held before the New Windsor Zoning Board of Appeals on March 26, 1979.

Formal decision is being drafted and will be acted upon at an upcoming meeting of the ZBA. At this time I will furnish your office with a copy of same.

Very truly yours,

*Patricia Delio*

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Town Planning Board - Attn: Ernest Spignardo, Chairman  
Howard Collett, Bldg./Zoning Inspector  
Peter C. Patsalos, Esq.





COUNTY OF ORANGE

Department of Public Works

ROUTE 17-M P.O. BOX 509  
GOSHEN, NEW YORK 10924  
TEL: Office 294-7951 - Garage 294-9115

LOUIS J. CASCINO, P.E.  
Commissioner

March 22, 1979

Mr. Ernest Spignardo, Chairman  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12550

RE: DUNKIN DONUTS FACILITY  
COUNTY ROAD 59/N.Y. ROUTE 94  
TOWN OF NEW WINDSOR

Dear Sir:

Careful consideration has been given to the above proposal. All aspects have been studied as far as traffic flow patterns are concerned, the nearness to a major intersection and planning for the future. An on-site inspection was conducted on March 19, 1979.

We feel that any entrance should be derived from the existing shopping center parking area and not the County Road.

In any case, drainage will be a big problem. We feel that the existing system leaves little room for additional input of water.

Very truly yours,

Louis J. Cascino, P.E.  
Commissioner of Public Works

*William E. Duggan*  
BY: William E. Duggan  
Senior Engineer

WED:cat

cc: McGoe, Hauser and Grevas, Engineers, New York State Dept. of Transportation

New York State D.O.T. - Dominick Bello

Joel Shaw, Planning Dept. Orange Co.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
(914) 562-5635

March 29, 1979

1763 Mr. Charles Satterly  
R. D. 2-Meadowbrook  
Newburgh, N. Y. 12550

RE: DUNKIN DONUTS SITE PLAN

Dear Mr. Satterly:

A site plan has been presented to the Town Planning Board for a Dunkin Donuts operation at the intersection of Route 32 and Temple Hill Road.

The Planning Board of the Town of New Windsor as well as the County of Orange Planning Board both feel that the access proposed by the developer for the Dunkin Donuts site would be disruptive to traffic.

We would like to urge the developer to exit and enter through the Barker's parking lot; but we see from the site plan map that you are the owner of the triangular piece of land behind the proposed Dunkin Donuts site.

It would be appreciated if you would contact through your attorney or directly the attorney for Dunkin Donuts, Peter Patsalos, Esq. Or alternatively, we would appreciate your coming to the next Planning Board meeting on April 11, 1979 to discuss this matter with Dunkin Donuts and the Planning Board.

Very truly yours,

ERNEST SPIGNARDO, Chairman  
New Windsor Planning Board

ES:pd

Charles S. Satterly  
RD #2, Riley Road  
Newburgh, N.Y. 12550

RECEIVED  
APR 6 1979

April 4, 1979

NEW WINDSOR PLANNING BOARD

Mr. Ernest Spignardo, Chairman  
New Windsor Planning Board

Re: Correspondence of 3/29/79 in regard to Dunkin Donuts Site Plan.

Dear Mr. Spignardo:

I am enclosing copies of correspondence of Mr. Peter C. Patsalos representative for Mr. Prekas and also correspondence from Mr. Philip Crotty of Duggan & Crotty, dated Feb. 6, 1979.

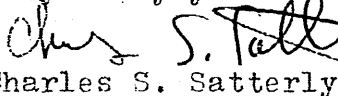
I made a verbal offer, in a telephone conversation to Mr. Duggan, that I would negotiate, possibly a lease arrangement, but to this date I have received no reply from Mr. Patsalos.

I am not interested in subdividing and selling, but might be interested in a proper lease arrangement.

I am sending you this letter because I will be unable to attend the Planning Board meeting of April 11, 79.

Mr. Patsalos may contact me directly after April 22, 79.

Very truly yours,

  
Charles S. Satterly

OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

---

555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

April 26, 1979

Mr. Louis Cassino  
Orange County Department of Public Works  
Goshen, New York

RE: DUNKIN DONUTS - located at  
Vails Gate

Dear Mr. Cassino:

The Town of New Windsor reviewed the above referenced site plan at the regular meeting of April 25, 1979. This was the third consideration of the site plan by the Planning Board.

The matter is being held up by the Planning Board pending your determination concerning curb cuts.

The concensus of the Planning Board is that this project will be of benefit to the Town of New Windsor.

Please let this Board have your final curb cut determination by the time of its next meeting, May 9, 1979. The Board intends to take final action at that time.

Very truly yours,

ERNEST SPIGNARDO  
Chairman

ES/sh

OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

April 26, 1979

Mr. Jeffrey Wickeri  
Regional Traffic  
New York State Region  
Burnett Blvd.  
Poughkeepsie, New York

RE: DUNKIN DONUTS-Located Vails Gate

Dear Mr. Wickeri:

The Town of New Windsor Planning Board reviewed the above referenced site plan at its regular meeting of April 25, 1979. This was the third consideration of the site plan by the Planning Board.

The matter is being held up by the Planning Board pending your determination concerning curb cuts.

The concensus of the Planning Board is that this project will be of benefit to the Town of New Windsor.

Please let this Board have your final curb cut determination by the time of its next meeting, May 9, 1979. The Board intends to take final action at that time.

Very truly yours,

ERNEST SPIGNARDO  
Chairman

ES/sh



COUNTY OF ORANGE / Department of Public Works

ROUTE 17-M P.O. BOX 509  
GOSHEN, NEW YORK 10924  
TEL: Office 294-7951 -- Garage 294-9115

LOUIS J. CASCINO, P.E.  
Commissioner

RECEIVED  
MAR 26 1979

March 22, 1979

NEW WINDSOR PLANNING BOARD

Mr. Ernest Spignardo, Chairman  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12550

RE: DUNKIN DONUTS FACILITY  
COUNTY ROAD 59/N.Y. ROUTE 94  
TOWN OF NEW WINDSOR

Dear Sir:

Careful consideration has been given to the above proposal. All aspects have been studied as far as traffic flow patterns are concerned, the nearness to a major intersection and planning for the future. An on-site inspection was conducted on March 19, 1979.

We feel that any entrance should be derived from the existing shopping center parking area and not the County Road.

In any case, drainage will be a big problem. We feel that the existing system leaves little room for additional input of water.

Very truly yours,

Louis J. Cascino, P.E.  
Commissioner of Public Works

*William E. Duggan*

BY: William E. Duggan  
Senior Engineer

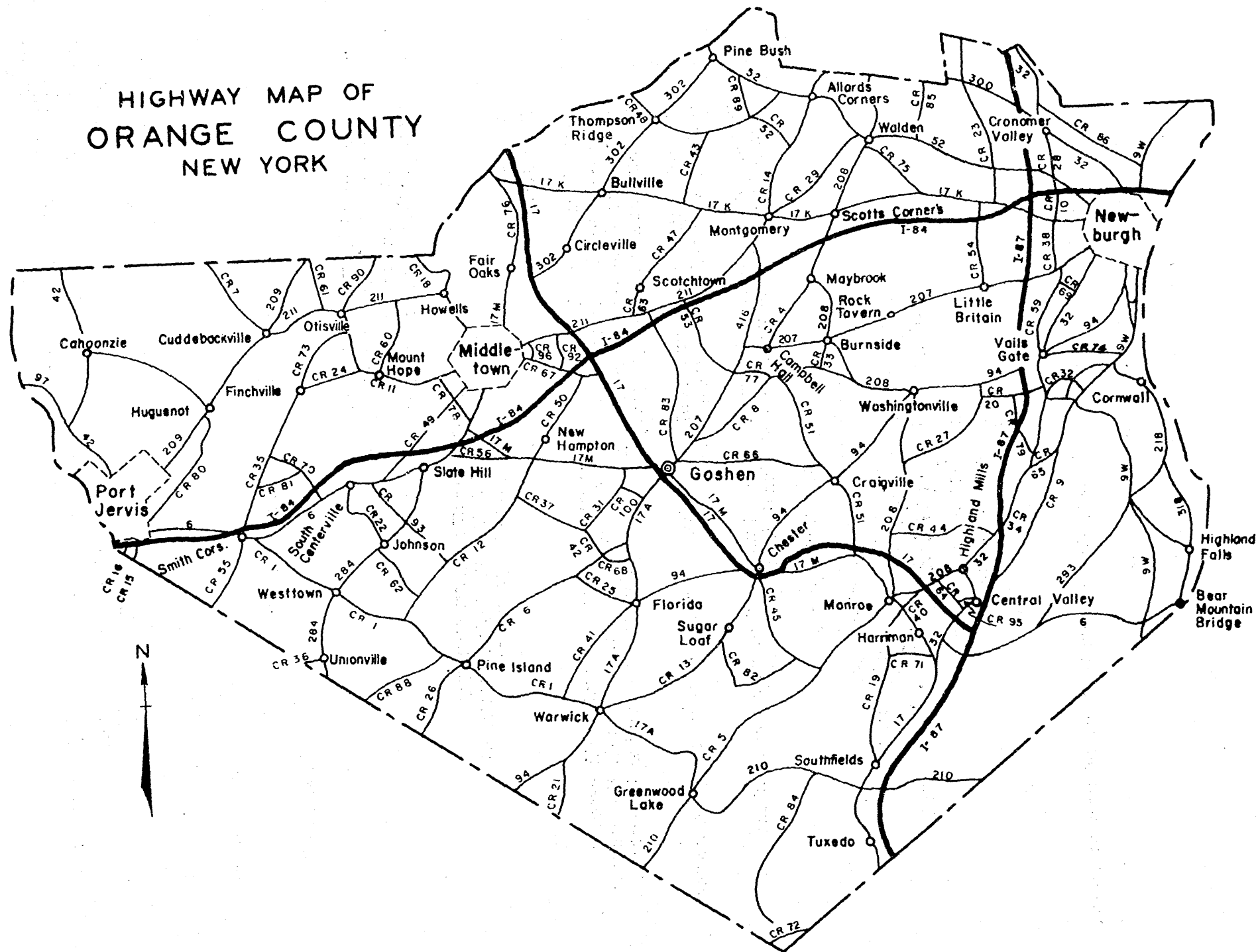
WED:cat

cc: McGoey, Hauser and Grevas, Engineers, New York State Dept. of Transportation

New York State D.O.T. - Dominick Bello

Joel Shaw, Planning Dept. Orange Co.

# HIGHWAY MAP OF ORANGE COUNTY NEW YORK



PETER C. PATSALOS

COUNSELLOR AT LAW

TELEPHONE 565-4480  
AREA CODE 512

346 BROADWAY  
(P. O. BOX 2177)  
NEWBURGH, NEW YORK 12550

February 6, 1979

Duggan & Crotty, Esqs.  
R. D. #2, Temple Hill Road  
New Windsor, New York 12550

Attn: Philip Crotty

Re: Satterly Property - Prekas

Dear Phil:

Pursuant to our conversation of February 6th, I am requesting in writing your client's consideration in selling the triangular piece of land bordering on the Marshall property in Vails Gate, which is being purchased by my client, Steve Prekas. I have spoken to Mr. Elias Grevas who surveyed this property, and he indicates that the land under discussion is a triangular piece, 50' on one leg, 88' on the second leg, and 119.45 on the third leg of said triangle. The total approximate area, according to Mr. Grevas, is less than 1/20 of an acre, or .05.

My client, for the purposes of purchase is making an offer of \$1,250.00 for this strip of land, and will pay for the survey cost, should your client find this acceptable.

Kindly advise.

Very truly yours,

*Peter C. Patsalos*  
Peter C. Patsalos

PCR/np



DUGGAN & CROTTY

ATTORNEYS-AT LAW

PHILIP R. DUGGAN  
JAMES J. CROTTY  
JAMES J. KRIEGER

R.D. #2  
TEMPLE HILL ROAD  
NEW WINDSOR, NEW YORK 12550  
(914) 562-6500

February 7, 1979

Mr. Charles S. Satterly  
R.D. #2, Riley Road  
Newburgh, New York 12550

Dear Charlie:

The property owned by Marshall next to your property in Vails Gate has been sold to the franchisee of Dunkin Donuts.

I was contacted by telephone yesterday by his attorney, Peter C. Patsalos, Esq. Mr. Patsalos is interested in knowing if you would sell the strip at the westerly end of the property. If that could be arranged, then the new Dunkin Donut store would have contiguous parking to the Barkers shopping plaza.

I am enclosing a letter explaining the offer as well as the offering price.

You should also know that a subdivision proceeding would be required to break out that small piece.

I suggest you discuss this matter with your friend, Guy Hudson, and get back to me as soon as convenient.

Very truly yours,

*Philip A. Crotty, Jr.*  
Philip A. Crotty, Jr.

PAC:kd  
Enc.

**PREVIOUS  
DOCUMENTS  
IN POOR  
ORIGINAL  
CONDITION**

---



McGOEY, HAUSER & GREVAS  
CONSULTING ENGINEERS  
194 ROUTE 9W NEWBURGH, N.Y. 12550  
TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

*received 8/13/80*

*extension granted 1 yr*  
*May 9 1981*  
Licensed in  
New York  
New Jersey  
Pennsylvania  
*Sh.*

*# 79-2*

13 August 1980

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12550

ATTENTION: MR. ERNEST SPIGNARDO, CHAIRMAN

SUBJECT: SITE PLAN FOR DUNKIN DONUTS, VAILS GATE;  
APPLICATION OF STEVEN PREKAS

Dear Mr. Spignardo:


Due to recent economic conditions, our client has elected to delay the beginning of construction for the subject facility.

Inasmuch as the Town Zoning Ordinance limits the approval to one (1) year, unless an extension of said approval is granted, we hereby request such an extension to 9 May 1981. This coincides with the date of original site plan approval of 9 May 1979, and would constitute a one year extension of the approval.

We realize the request for an extension should have been submitted prior to the end of the original one year limit, but the uncertainty of the economy, which has just now shown signs of stabilization, delayed a decision on whether or not this project is to proceed. Hopefully, if our request for an extension is granted, the situation should improve to the point where construction can begin on this project.

Very truly yours,

McGOEY, HAUSER AND GREVAS

  
Elias D. Grevas, L.S., Partner

EDG:r

cc: Peter C. Patsalos  
Steven Prekas

NEW WINDSOR ZONING BOARD OF APPEALS  
Regular Session  
March 12, 1979

RECEIVED  
MAR 28 1979

NEW WINDSOR PLANNING BOARD

MEMBERS PRESENT: Vincent Bivona, V. Chairman  
Jack Babcock  
Dan Konkol  
James Bothwell  
Richard Fenwick

MEMBERS ABSENT: Mark Stortecky  
Dan McCarville

ALSO PRESENT: Andrew S. Krieger, Esq.  
Attorney for Board  
Patricia Delio, Secretary

Vice Chairman Vincent Bivona called the March 12th session of the New Windsor Zoning Board of Appeals to order at 7:35 p.m. Secretary called the roll.

Motion followed by Richard Fenwick, seconded by Dan Konkol to approve the February 26, 1979 minutes as written. Motion carried, all ayes.

Preliminary Meeting:

Elias Grevas of McGoey, Hauser & Grevas, consulting engineers, appeared before the Board with a proposal for a Dunkin Donut operation to be located at Five Corners in Vails Gate at property presently owned by Marshall. Zone is "C" - Designed Shopping Center. Since this is a joint application, Dunkin Donuts and Steve Prekas are the contract purchasers of the Marshall parcel.

Mr. Grevas presented plans to the ZBA and stated that the following variances would be sought:

Area for Lot:	13,136 sq. ft.	
Lot width:	100 ft. or 150ft.	depending on which is the front yard
Front Yard:	35 ft. or 69 ft.	"
Side Yards:	0-33'/46'-79'	
Rear Yard:	4 ft.	
Bldg. Height:	13 ft.	
Sign Area:	76 sq. ft.	

Letter dated March 12, 1979 was received from the Town Planning Board stating that they have given this application conceptual approval.

March 12, 1979

## ZONING BOARD OF APPEALS

Motion followed by Jack Babcock, seconded by Richard Fenwick to schedule a public hearing on this matter to be held on March 26, 1979 at 8 p.m. Motion carried, all ayes. Secretary to inform Orange County Planning Department of this application.

\* \* \* \* \*

Mrs. Dorothy Jennings once again appeared before the Board at the Board's request. Mrs. Jennings resides at 80 Hudson Drive, Town of New Windsor in residential zone (R-4). She requests to be able to take in two veterans as boarders.

After careful consideration, motion was made by Dan Konkol, seconded by Jack Babcock that the ZBA provide Mrs. Jennings with a letter indicating that the particular circumstances in her case indicates that under our Zoning Local Law, a variance is not required.

ROLL CALL:	Dan Konkol	- Yes
	James Bothwell	- Yes
	Jack Babcock	- Yes
	Rich Fenwick	- Yes
	Vince Bivona	- Yes

Motion carried 5 ayes.

\* \* \* \* \*

The last order of business to be reported by Vice-Chairman Vincent Bivona was the receipt of a letter from Bernard J. Sommers, Esq. of McCann, Ahern & Sommers P.C. dated March 2, 1979 regarding the application of Peter M. Olympia and John J. Lease, Jr., which application was denied in part at the January 22, 1979 meeting of the ZBA.

Mr. Sommers requested that the members reconsider or rehear the above application based on new facts.

Motion followed by Dan Konkol, seconded by Jack Babcock that Andrew S. Krieger, Esq. be instructed to answer Mr. Sommers correspondence dated March 2, 1979, referring to Section 267 of Town Law.

Since there was no further business to be brought before this Board, motion was made by Richard Fenwick, seconded by Vince Bivona to adjourn. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,

*Patricia Delio, Secretary*

PUBLIC NOTICE OF HEARING BEFORE  
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant  
to Section 48-33A of the Zoning Ordinance on the following  
proposition:

Appeal No. 6

Request of Nicholas Marshall and Steve Prekas

for a Variance ~~Section 48-12 and 48-9~~ of the  
regulations of the Zoning Local Law, to permit  
the construction and operation of a Dunkin' Donuts retail  
store/restaurant on an undersized lot;

being a Variance ~~Section 48-12 and 48-9~~ of  
Sections 48-12 and 48-9,

for property situated at: NYS Highway Route 94 at the  
intersection of County Road 59, Temple Hill Road

SAID HEARING will take place on the 26th day of March, 19 79,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:00 o'clock P. M.

MARK STORTECKY  
Chairman



# COUNTY OF ORANGE / Department of Public Works

ROUTE 17-M P.O. BOX 509  
GOSHEN, NEW YORK 10924  
TEL: Office 294-7951 - Garage 294-9115

LOUIS J. CASCINO, P.E.  
Commissioner

March 26, 1979

Ernest Spignardo, Chairman  
Planning Board - Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12550

RE: DUNKIN DONUTS FACILITY  
COUNTY ROAD 59/ N.Y. ROUTE 94  
TOWN OF NEW WINDSOR

Dear Mr. Spignardo:

Confirming our telephone conversation this date with regard to the above referenced matter:

1. I spoke to Mr. Grevas about the access problem from the facility to the Vails Gate Shopping Plaza. The triangular shaped property, Sec. 69, Blk. 1, Lot 9, reputedly owned by a Mr. Satterly, will not allow our Department to exercise its request as per para. 2 of letter dated March 22, 1979.

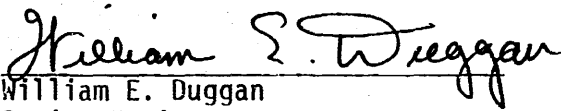
We still wish some input from the New York State Department of Transportation relative to the feasibility of the County Road. Our decision will be based on the outcome of the States' analysis.

2. We are still not entirely satisfied with the drainage plan, although Mr. Grevas has assured us his computations are based on a hundred year storm frequency.

Our interest in the development of the proposed facility is based upon the ultimate commercial development of Lots 8, 9, 10 as well as 11 in the Tax Map referenced section. We are interested in moving traffic safely, as well as providing safe access from businesses to the public roads.

Very truly yours,

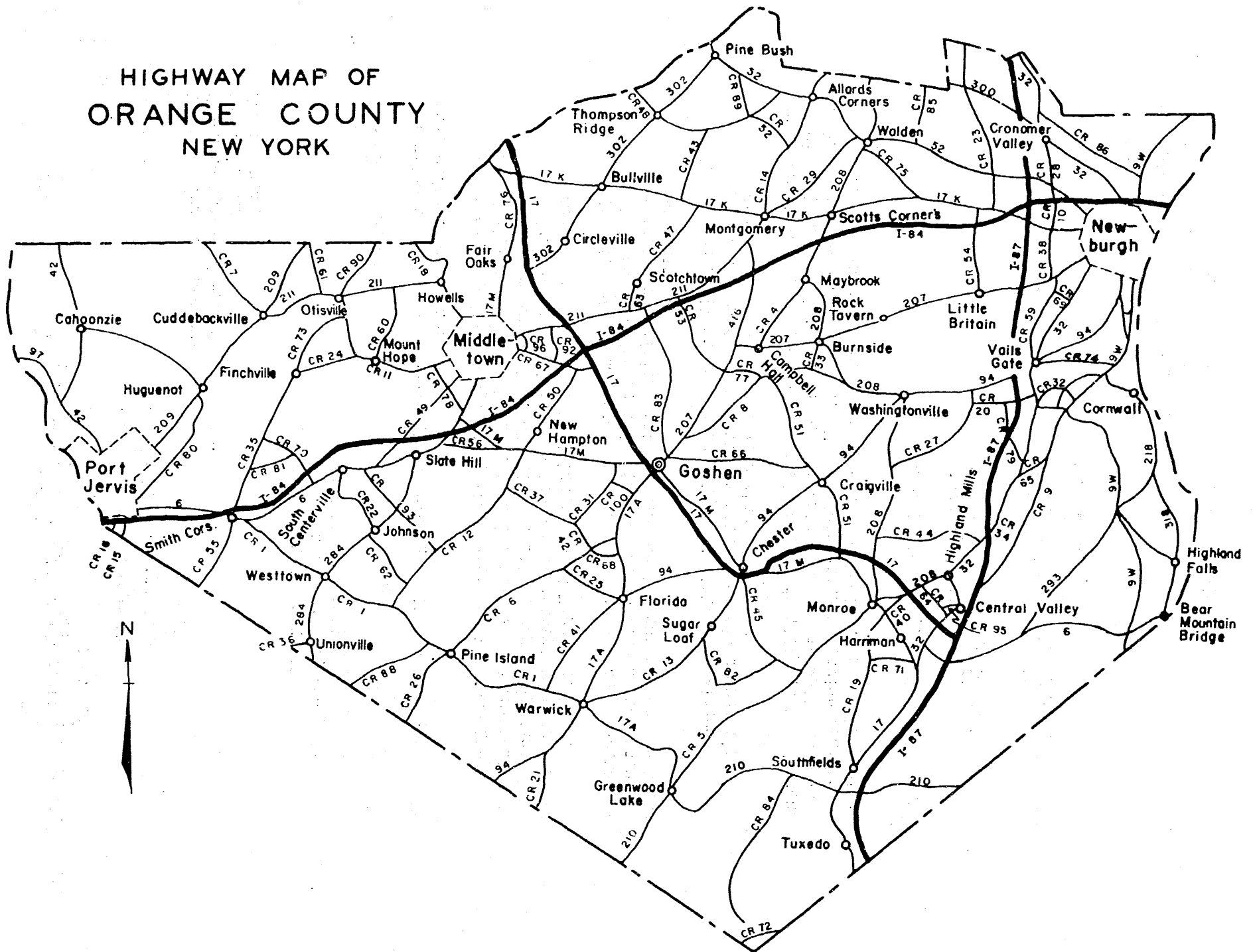
LOUIS J. CASCINO, P.E.  
Commissioner of Public Works

BY:   
William E. Duggan  
Senior Engineer

WED:cat

cc: McGoey, Hauser & Grevas, P.C.  
Dom Bello, P.E., NYSDOT  
Joel Shaw, Sr. Planner, O.C. Dept. of Planning

# HIGHWAY MAP OF ORANGE COUNTY NEW YORK





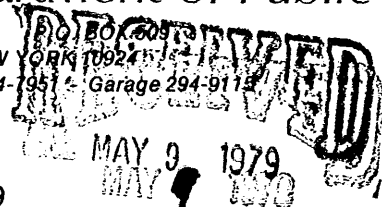


COUNTY OF ORANGE

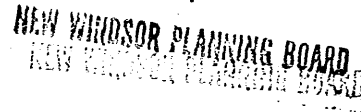
Department of Public Works

LOUIS J. CASCINO, P.E.  
Commissioner

ROUTE 17-M  
GOSHEN, NEW YORK 10924  
TEL: Office 294-7951 - Garage 294-9115



May 8, 1979



Ernest Spignardo, Chairman  
Town of New Windsor Planning Board  
555 Union Ave.  
New Windsor, New York 12550

RE: DUNKIN DONUTS FACILITY  
TEMPLE HILL ROAD, CR-59  
S.H. 154 (N.Y. ROUTE 94)  
TOWN OF NEW WINDSOR

Dear Mr. Spignardo:

I have spoken to the New York State Department of Transportation, Paul V. Cuomo, P.E., Town Engineer and Elias D. Grevas, L.S. of McGoey, Hauser and Grevas this date with regard to the above referenced matter.

Since our letter of March 26, 1979, I have received correspondence from Mr. Grevas relative to points mentioned in our letter. We are satisfied with his response.

The subject of vehicular traffic movement for egress and ingress to the facility, as you are aware, are of primary concern to the State of New York as well as the County of Orange. In my conversation with Mr. Cuomo today, I mentioned that we may have to place certain directional movement restrictions on the entrance from the facility to Temple Hill Road, CR-59. Although a "right turn only" concept for this entrance is desirable, it would place certain hardships on the business. We would prefer to comment further on this subject following a traffic pattern analysis. It is to be understood that our approval is not conditional on this report.

Approval for the proposed entrance and associated drainage facilities on the Temple Hill Road is hereby given, subject to any jurisdictional rights of the N.Y. State Dept. of Transportation or Town of New Windsor.

Permit Application information is being forwarded, under separate cover, to the firm of McGoey, Hauser & Grevas, P.C.

If you require additional information or assistance, please feel free to contact this office.

Very truly yours,

cc: Paul V. Cuomo, P.E.  
Howard Collett  
Joel Shaw  
N.Y.S. Dept of Trans.  
McGoey, Hauser & Grevas

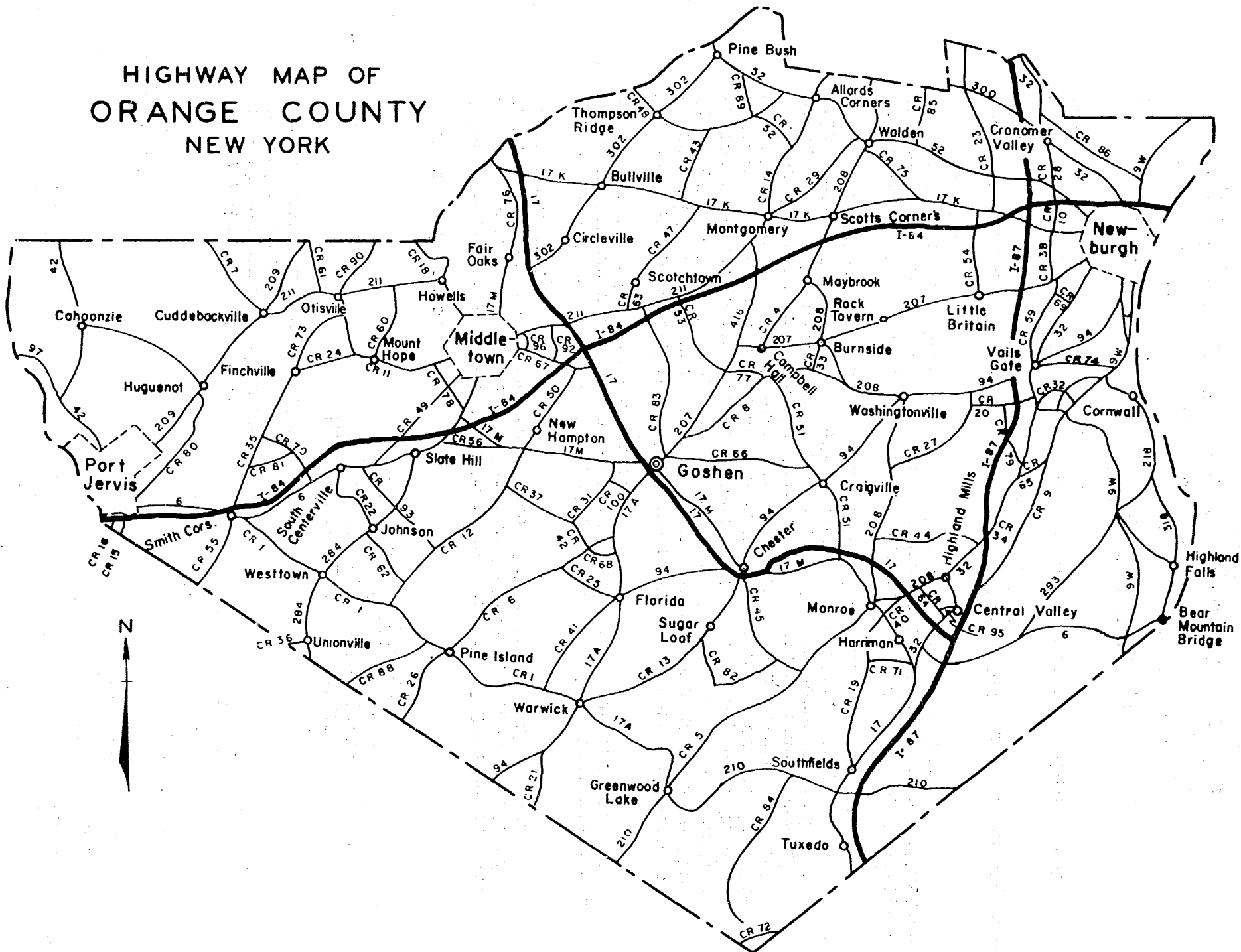
BY:

Louis J. Cascino, P.E.  
Commissioner

*William E. Duggan*  
William E. Duggan  
Senior Engineer

WED:cat

# HIGHWAY MAP OF ORANGE COUNTY NEW YORK



Planning  
Board

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x  
In the Matter of the Application of  
NICHOLAS C. MARSHALL and STEVE PREKAS  
Application #79-6.

DECISION GRANTING  
AREA AND SIGN  
VARIANCES.

-----x  
WHEREAS, NICHOLAS C. MARSHALL of Route 94, Vails Gate,  
New York, and STEVE PREKAS of 674 Broadway, Newburgh, New York, have made  
application before the Zoning Board of Appeals for area and sign variances  
for the purposes of construction of a DUNKIN DONUTS shop on Route 94  
in Vails Gate, Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 26th day of  
March, 1979 before the Zoning Board of Appeals at the Town Hall, New  
Windsor, New York; and

WHEREAS, the applicants were represented by Peter C. Patsalos,  
Esq. of 346 Broadway, Newburgh, N. Y. and MC GOEY, HAUSER & GREVAS,  
Consulting Engineers of Route 9W, New Windsor, N.Y. Mr. Grevas made the  
presentation on behalf of the applicants; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor  
makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents  
and businesses as prescribed by law and published in The Evening News,  
also as required by law.

2. The evidence shows that the variances sought will not  
alter the general character of the neighborhood.

3. The evidence shows that denial of the variances will result in significant economic injury to the applicants.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notices of the public hearing were duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.

2. The applicants will encounter practical difficulty if the area variances requested are not granted.

3. The proposed variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

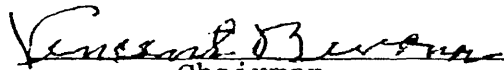
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants area and sign variances as follows: 13,136 sq. ft. area variance for lot; 100/150' lot width variance; 35'/69' front yard variance; 0'/33/46'-79' side yard variance; 4 ft. rear yard variance and 76 sq. ft. sign area variance, on the above-entitled application.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: April <sup>23</sup>/<sub>9</sub>, 1979.

  
Chairman

FRANK WORTMANN  
SANDRA L. WORTMANN  
32 WEATHER OAK HILL  
NEWBURGH, N. Y. 12550

1679

PAY TO THE  
ORDER OF

*Town of New Windsor*

*March 29* 19 *79*

50-174  
219

*Seven hundred Fifty & 00/100*

*\$ 750.00*

DOLLARS

VAILE GATE OFFICE

**Highland** National Bank  
OF NEWBURGH  
VAILE GATE, N. Y. 12564

*Frank Wortmann*

MEMO

⑆0219⑉0174⑆⑈011 0838 7⑈07

*Recd from Planning Bd  
5/10/79  
Norman L. Green  
Comptroller*

## TOWN OF NEW WINDSOR PLANNING BOARD

## APPLICATION FOR SITE PLAN APPROVAL

Name Steve PrekasAddress 676 Broadway, Newburgh, N.Y. 125501. Owner of the property Nicholas Marshall2. Location of the property: Vails Gate (Rte 94 & Temple Hill Rd.)3. Zone area C4. Nature of business: Proposed Dunkin' Donuts5. Lot size: Front 77<sup>±</sup> Rear 119<sup>±</sup> ~~140<sup>±</sup>~~ Depth 140<sup>±</sup>6. Building setbacks: Front yard 35 Rear yard       Side yards 0-33/46-797. Dimensions of new building 29 x 54Addition       

If addition, state front, side, rear of existing structure:

N/A

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project.

Signed: *Elmer A. Allen*  
~~(APPLICANT)~~ *Engineer for Applicant*

Maps Required for:

Planning Board  
Highway Dept.  
Sanitation Dept.  
Water Dept.  
County Planning Board  
Building Inspector

✓  
\_\_\_\_\_  
✓  
\_\_\_\_\_  
✓  
\_\_\_\_\_  
✓  
\_\_\_\_\_  
✓  
\_\_\_\_\_

Action of the Zoning Board of Appeals

TOWN OF NEW BURGHE

*Town Planning Board*

ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-6

(NUMBER)

12 March 1979

(DATE)

I. Applicant information:

(a) Nicholas C. Marshall, Route 94, Vails Gate, N.Y. 565-3789  
(Name, address and phone of Applicant)

(b) Steve Prekas, 674 Broadway, Newburgh, N.Y. 562-4720  
(Name, address and phone of purchaser or lessee)

(c) Peter C. Patsalos, 346 Broadway, Newburgh, N.Y. 565-4480  
(Name, address and phone of attorney)

(d) \_\_\_\_\_  
(Name, address and phone of broker)



II. Application type:

- ☐ Use variance  
☒ Area variance  
☒ Sign variance  
☐ Special permit

III. Property information:

(a) C Rte 94 @ Temple Hill Rd. 69 1 11 13,136 SF  
(Zone) (Address) Vails Gate (H B L) (Lot size)

(b) What other zones lie within 500 ft.? None

(c) Is a pending sale or lease subject to ZBA approval of this application? Yes

(d) When was property purchased by present owner? 27 Feb. 1953

(e) Has property been subdivided previously? No When? \_\_\_\_\_

(f) Has property been subject of variance or special permit previously? No When? \_\_\_\_\_

(g) Has an order-to-revoke violation been issued against the property by the Zoning Inspector? No If so, when \_\_\_\_\_

(h) Is there any outside storage at the property now or is any proposed? Describe in detail. No, except for dumpster



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow

\_\_\_\_\_  
(Describe proposed use)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Part II, Column 4,5,6,7,8 & 10

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 sf</u>	<u>13,136 sf</u>	<u>13,136 sf</u>
Min. Lot Width <u>200'</u>	<u>100-150'</u>	<u>100'-150'</u>
Reqd. Front Yard <u>60'</u>	<u>35'-69'</u>	<u>35'-69'</u>
Reqd. Side Yards <u>30' / 70'</u>	<u>0'-33' / 46'-79'</u>	<u>0'-33' / 46'-79'</u>
Reqd. Rear Yard <u>30'</u>	<u>4'</u>	<u>4'</u>
Reqd. Street Frontage* <u>                    </u>	<u>                    </u>	<u>                    </u>
Max. Bldg. Hgt. <u>4"/Ft.to Line</u> <sup>Lot</sup>	<u>16'</u>	<u>16'</u>
Min. Floor Area* <u>                    </u>	<u>                    </u>	<u>                    </u>
Development Coverage* <u>          </u> %	<u>                    </u> %	<u>                    </u> %
Floor Area Ratio** <u>0.5</u>	<u>0.12</u>	<u>                    </u>

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Property is less than required area; Setback and parking  
requirements limit available building locations; In order to  
maximize use of property, and provide a workable traffic  
pattern, the area variances are necessary.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-9, Table Use, Column D.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
		(Db1	
Sign 1	<u>10 S.F.</u>	<u>72 S.F. Face)</u>	<u>62 S.F. (Illuminated Pylon)</u>
Sign 2	<u>2.0 S.F.</u>	<u>4.5 S.F.</u>	<u>2.5 S.F. (Illum. Directional)</u>
Sign 3	<u>2.0 S.F.</u>	<u>4.5 S.F.</u>	<u>2.5 S.F. (Illum. Directional)</u>
Sign 4	<u></u>	<u>4.5</u>	<u>4.5 S.F. (Illum. Directional)</u>
Sign 5	<u></u>	<u>4.5</u>	<u>4.5 S.F. (Illum. Directional)</u>

Total      14 sq.ft.      90 sq.ft.      76 sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Sign 1 is an interior-illuminated pylon sign; 18' high, double  
faced. Signs 2,3,4 and 5 are interior-illuminated directional  
signs at entrances/exits, 5'-6" high (to top).

Another sign is to be attached to the building, 40 s.f. in area, on  
the southeast face; and another sign on the northeast face 40 s.f. in  
area. ~~Maximum permitted 50 s.f. variance request 30 s.f.~~

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

170 square feet



VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Please see attached Plan, which provides for landscaping  
items, curbs, etc.

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IX. Attachments required:

- \_\_\_ Copy of letter of referral from Building and Zoning Inspector.
  - \_\_\_ Copy of contract of sale, lease or franchise agreement.
  - \_\_\_ Copy of tax map showing adjacent properties
  - \_\_\_ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
  - \_\_\_ Copy(ies) of sign(s) with dimensions.
  - \_\_\_ Check in amount of \$ \_\_\_\_\_ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.  
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- \_\_\_ Other

(Official Use Only)

X. AFFIDAVIT.

Date 9 March 1979

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

*John P. Parker*  
(Applicant)

Sworn to before me this

9 day of March, 1979.  
*Peter C. Patsalos*  
PETER C. PATSALOS  
Notary Public, State of New York  
Residing in Orange County  
My Commission Expires Mar. 20, 1979



XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(d) Conditions and safeguards \_\_\_\_\_

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A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

(Official Use Only)

X. AFFIDAVIT.

Date 12 March 1979

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

*Nicholas C. Marshall*  
(Applicant)

Sworn to before me this

12<sup>th</sup> day of March, 197<sup>9</sup>.

*Ruth J. Eaton*  
RUTH J. EATON

Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1980  
Reg. No. 4673512

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

(c) Special Permit is \_\_\_\_\_

(d) Conditions and safeguards \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

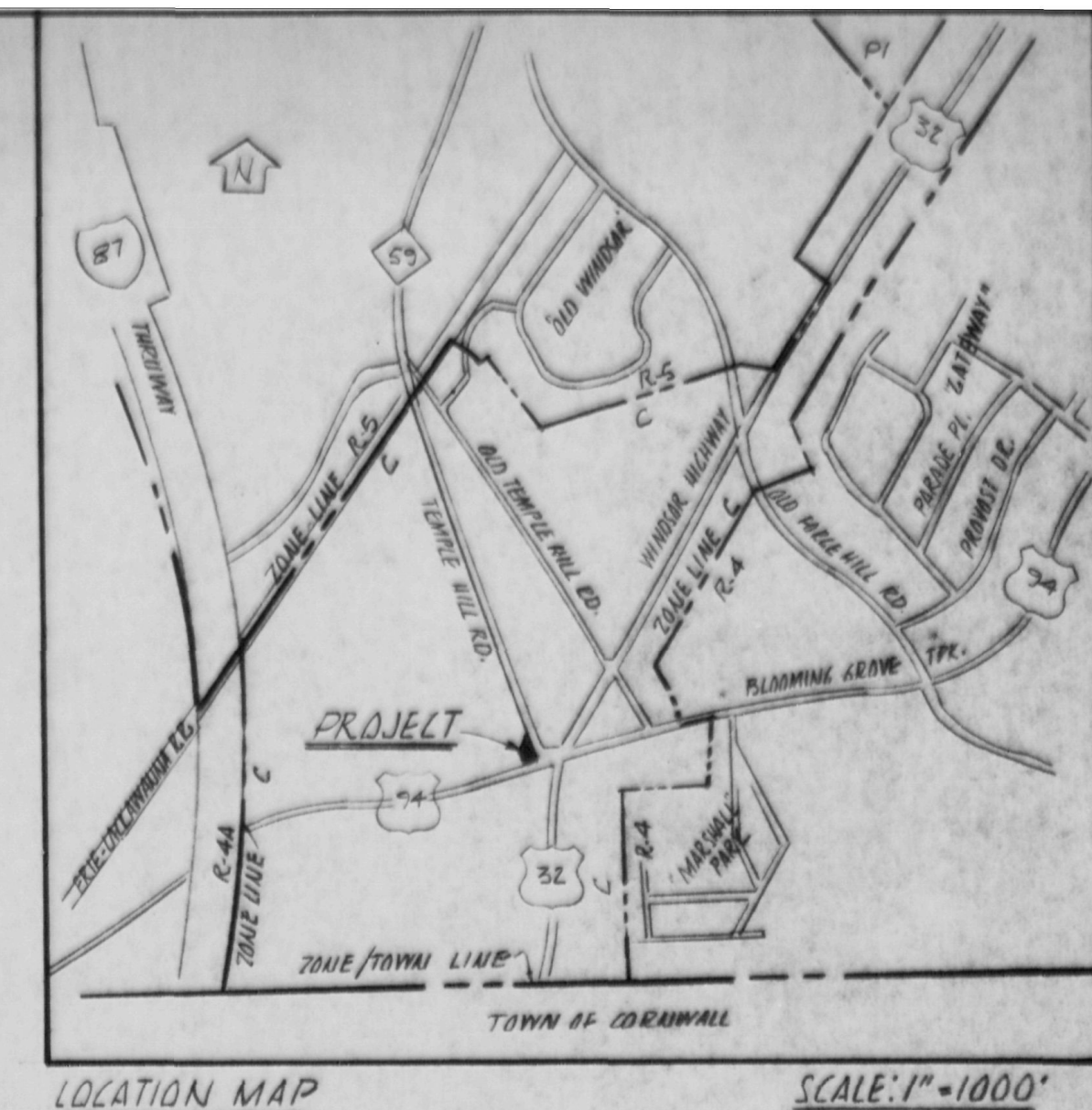
\_\_\_\_\_

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\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.





# NOTES

1. BOUNDARY AND TOPOGRAPHY SHOWN IS FROM FIELD SURVEY OF 6 JUL 1977. ELEVATION DATUM: U.S.G.S. (TOWER DIST. 14). CONTOUR INTERVAL: ONE (1) FOOT.

2. PROPERTY SERVED BY WATER DIST. NO. 5, SEWER DIST. NO. 14.

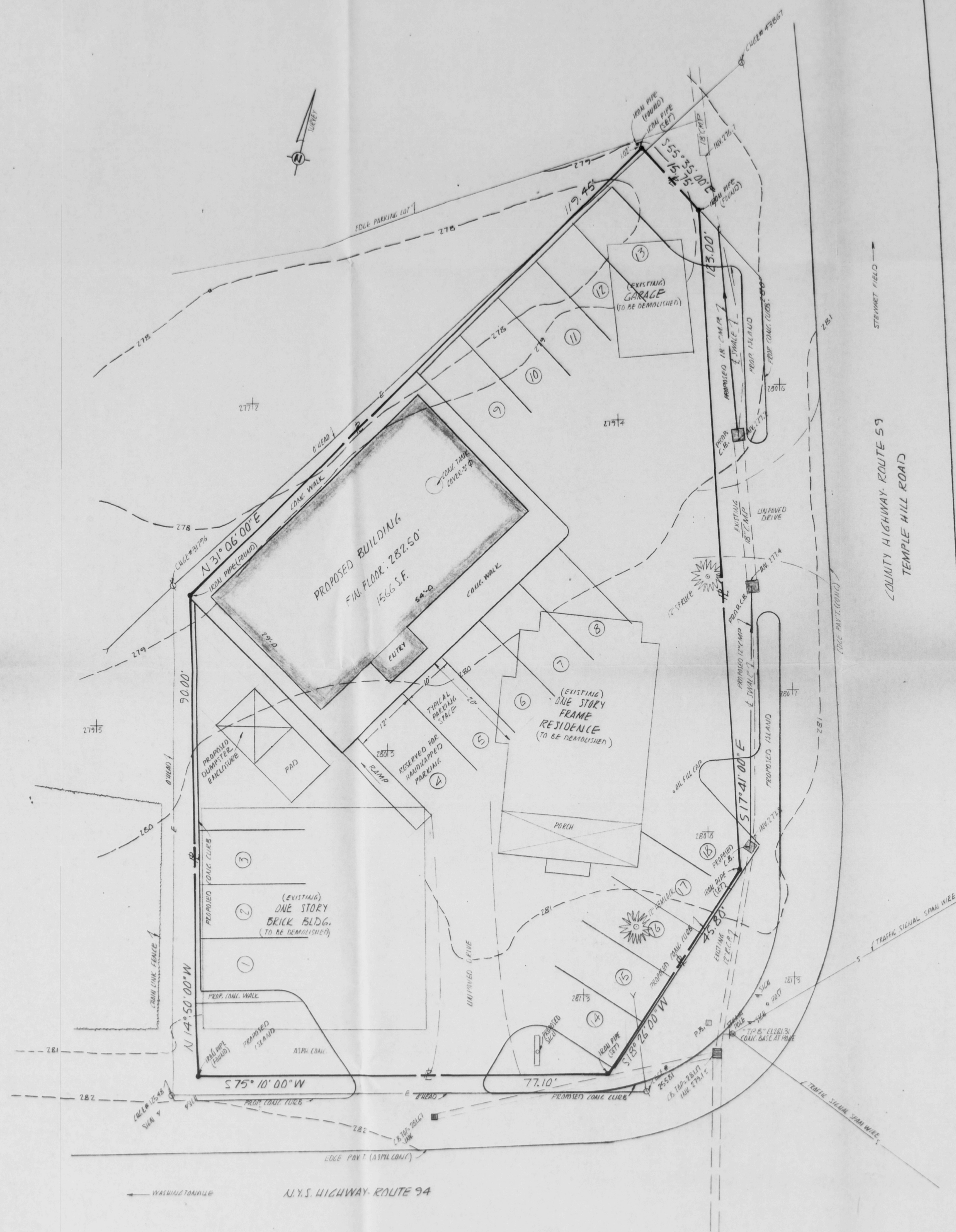
3. PROPERTY ZONE: "C" (DESIGN SHOPPING).

## PROPERTY ZONING DATA

ITEM	REQUIRED	PROVIDED	REMARKS
MINIMUM SITE AREA	40,000 S.F.	131,365 S.F.	VARIANCE REQUIRED
MINIMUM LOT WIDTH	200'	100'-150'	VARIANCE REQUIRED
FRONT YARD DEPTH	60'	35'-69'	VARIANCE REQUIRED
SIDE YARD/TOTAL SIDEYARDS	50'/18'	0'-35'/46'-79'	VARIANCE REQUIRED
REAR YARD DEPTH	50'	4'	VARIANCE REQUIRED
FLOOR AREA RATIO	.5	.12	VARIANCE REQUIRED
MINIMUM BLDG. HEIGHT	9' FT. TO LOT LINE		VARIANCE REQUIRED
OFF-STREET PARKING	* 8	18	* BASED ON 1 SPACE/200 S.F.

4. PROPERTY OWNER: NICHOLAS MARSHALL

5. DEVELOPER: STEVE PEEKAS



McGOEY, HAUSER & GREVAS  
CONSULTING ENGINEERS

194 ROUTE 9W, NEWBURGH, NEW YORK  
DRAWN BY: SJS  
CHECKED BY:

SCALE: 1"=10'

DATE: 28 FEB '79

DUNKIN' DONUTS  
VAIL'S GATE, TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

PRELIMINARY  
SITE PLAN

SHEET:  
OF: 1  
JOB NO: D 111 78



